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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,780

04/07/2005

Robert Erich Imhof

BSL-I-PCT

7186

7590

07/26/2007

Ronald B Sherer
103 South Shaffer Drive
New Freedom, PA 17349

EXAMINER

BELLAMY, TAMIKO D

ART UNIT

PAPER NUMBER

2856

MAIL DATE

DELIVERY MODE

07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,780

Applicant(s)

IMHOF, ROBERT ERICH

Examiner

Tamiko D. Bellamy

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-27, 31-33, 35-37 and 39 is/are rejected.
- 7) ☒ Claim(s) 28-30, 34 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Preliminary amendment dated 4/7/07 has been received and entered. Claims 1-20 have been canceled. Claims 21-39 are currently pending.

Information Disclosure Statement

2. The information disclosure statement filed 4/11/05 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the **application number does not match the application number of the current application**. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **motive power means outside of the measurement chamber** (See claim 26) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

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even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21-27, 31-33, 35-37, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams (3,318,302).

Re claims 21 and 35, Adams discloses measuring evaporative water loss based on a technique upon the varying of thermal conductivity due to density changes caused by fluctuations in water vapor content flowing through a thermal conductivity cell (Col. 1, lines 42- 47). Therefore the measurements obtained from the thermal conductivity cell

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are directly proportional to the measured water vapor flux density. As depicted in fig. 2, Adams discloses a measurement chamber {e.g., combination of interior space of housing (1) coupled to space defined between the interior of the skin capsule (15) and the surface of the skin} with a single opening {e.g., surface of skin capsule (15) touching skin} at one end, which is placed against the test surface (e.g. skin). As depicted in fig. 2, Adams discloses an air agitating means (e.g., fan 2).

Re claims 22 and 36, as depicted in fig. 2, Adams discloses the air agitating means (e.g., fan 2) is able to purge the chamber (e.g., space defined between the interior of the skin capsule (15) and the surface of the skin) with air.

Re claim 23, as depicted in fig. 2, Adams discloses the air agitating means is a mechanical device (e.g., fan 2).

Re claim 24, Adams discloses the air agitating means is fan (2).

Re claim 25, as depicted in fig. 2, Adams discloses motive power means comprising electrical means for providing rotary motion (e.g., fan 2) of fluid (e.g., air) comprising a propeller (fan 2 with propellers/paddles).

Re claim 26, as depicted in fig. 2, Adams discloses a motive power means coupled to the agitator (e.g., fan 2) inside the measurement chamber {e.g., combination of interior space of housing (1) coupled to space defined between the interior of the skin capsule (15) and the surface of the skin}.

Re claim 27, Adams discloses measuring evaporative water loss based on a technique upon the varying of thermal conductivity due to density changes caused by fluctuations in water vapor content flowing through a thermal conductivity cell (Col. 1,

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lines 42- 47). Therefore the measurements obtained from the thermal conductivity cell are directly proportional to the measured water vapor flux density.

Re claim 31, Adams discloses measuring evaporative water loss based on a technique upon the varying of thermal conductivity due to density changes caused by fluctuations in water vapor content flowing through a thermal conductivity cell (Col. 1, lines 42- 47). Therefore the measurements obtained from the thermal conductivity cell are directly proportional to the measured water vapor flux density.

Re claim 32, as depicted in fig. 2, Adams discloses manually starting the measurement.

Re claim 33, as depicted in fig.2, Adams discloses a hand held device.

Re claim 37, as depicted in fig. 2, Adams discloses a measurement chamber {e.g., combination of interior space of housing (1) coupled to space defined between the interior of the skin capsule (15) and the surface of the skin} that is equipped with sensors (e.g., thermal conductivity cell (3) and temperature sensor (10)). Adams discloses measuring evaporative water loss based on a technique upon the varying of thermal conductivity due to density changes caused by fluctuations in water vapor content flowing through a thermal conductivity cell (Col. 1, lines 42- 47). Therefore the measurements obtained from the thermal conductivity cell are directly proportional to the measured water vapor flux density.

Re claim 39, as depicted in fig. 2, Adams discloses mixing air to produce a vapour-air mixture of uniform humidity and temperature (Col. 2, lines 10-72; Col. 3, lines 1-3).

Response to Arguments

6. Applicant's arguments, see page 1, filed 5/15/07, with respect to claims 1-20 have been fully considered and are persuasive. The 102 (b) rejection of claims 1-3, 14-16 of has been withdrawn. See new rejection above.

Allowable Subject Matter

7. Claims 28-30, 34 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tamiko Bellamy

T.B.
July 19, 2007


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
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